

REMARKS

This Application has been carefully reviewed in light of the Notification of Non-Compliant Appeal Brief mailed February 15, 2008. Applicants respectfully request reconsideration and favorable action in this Application.

The Notification of Non-Compliant Appeal Brief indicates that the Appeal Brief filed January 7, 2008 is defective since it does not present arguments for the two obviousness-type double patenting rejections presented by the Examiner. Applicants previously submitted a Terminal Disclaimer with respect to any patent that may grant from U.S. Patent Application No. 10/807,589, but inadvertently failed to also address U.S. Patent Application No. 10/807,560 in this prior terminal disclaimer. Therefore, Applicants submit concurrently herewith a Terminal Disclaimer with respect to any patent that may grant from U.S. Patent Application No. 10/807,560.

Furthermore, with respect to the previously-filed Terminal Disclaimer, the Examiner indicates that such Terminal Disclaimer is disapproved because "the person who signed this T.D. is not an attorney 'of record'." However, both this previous Terminal Disclaimer and the new Terminal Disclaimer submitted herewith are signed by a representative of the sole assignee of the present application. Pursuant to 37 C.F.R. 1.321(b)(1)(iii), the assignee of record of the entire interest of an application may sign a terminal disclaimer. Furthermore, pursuant to M.P.E.P. §§ 1490 and 324, both the previously-filed and currently-filed Terminal Disclaimers include a statement establishing ownership by the assignee (see first paragraph of the Terminal Disclaimers).

Therefore, Applicants believe that the concurrently-filed Terminal Disclaimer and the previously-filed Terminal Disclaimer are proper and should be accepted. Furthermore, upon the acceptance of these Terminal Disclaimers, Applicants also believe that the previously submitted Appeal Brief is in compliance with the patent rules. Therefore, Applicants respectfully request consideration and acceptance of these Terminal Disclaimers and the Appeal Brief.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

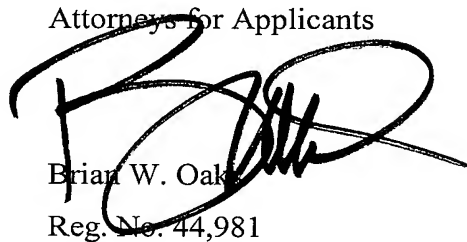
If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner at 214.953.6986.

The Commissioner is hereby authorized to charge any fees and credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

A large, stylized handwritten signature in black ink, appearing to read 'B. W. Oak', is written over the printed name and registration number.

Brian W. Oak

Reg. No. 44,981

Dated: March 14, 2008

Customer Number: **05073**